

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

9

DECISION

TOPIC

Notice of Intended Action – Chapter 21 – Agricultural Lease Program

The Commission is requested to approve this Notice of Intended Action to amend Chapter 21, Agricultural Lease Program. Chapter 21 provides the regulations for the agricultural lease program, which through the use of agricultural leases enhances wildlife habitat and expands recreational opportunities to the public. The program also reduces operating expenses for the Department while providing agricultural producers access to additional lands.

The proposed amendment increases the threshold for which negotiation, as opposed to formal competition, of a lease may be considered by the Department of Natural Resources. This change will provide the Department with more flexibility in selecting appropriate renters.

Travis Baker, Office of Realty Services Supervisor
Management Services Division
January 8, 2009

Attachment: Notice of Intended Action: Chapter 21, Agricultural Lease Program

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 21, “Agricultural Lease Program,” Iowa Administrative Code.

The proposed amendment increases the threshold for which negotiation, as opposed to formal competition, of a lease may be considered by the Department of Natural Resources.

Any interested person may make written suggestions or comments on the proposed amendment on or before February 17, 2009. Such written materials should be directed to Travis Baker, Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa, 50319-0034; fax (515)281-6749; or e-mail Travis.Baker@dnr.iowa.gov. Persons who wish to convey their views orally should contact Travis Baker at (515)281-8068 or at Mr. Baker’s office on the fourth floor of the Wallace State Office Building.

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.” Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

These amendments are intended to implement Iowa Code sections 461A.25, 456A.24(2), and 456A.24(5).

The following amendment is proposed.

Amend subrule 21.4(7) as follows:

21.4(7) Negotiated leases. The land manager may negotiate a lease with any prospective operator, subject to approval of the director, in any of the following instances:

- a. No bids are received.
- b. Gross annual rent is ~~\$2500~~ 5000 or less.
- c. Where the land acquired by the department is subject to an existing tenancy.
- d. To synchronize the lease period of newly of newly leased areas with other leases in the same management unit.
- e. Where a proposed lease includes only land not accessible to equipment necessary to perform the required farming operations, except over privately owned land, provided the prospective operator possesses legal access to the leased land over said privately owned land.
- f. Where the director authorizes a lease as a condition of a land purchase or trade.

Date

Richard A. Leopold, Director

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